

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE MERRILL LYNCH & CO., INC. : Master File No.:  
SECURITIES, DERIVATIVE AND ERISA : 07cv9633(LBS)(AJP)(DFE)  
LITIGATION :  
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This Document Relates to: :  
Derivative Action, : RULE 7.1 STATEMENT  
07cv9696 (LBS)(AJP)(DFE) :  
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Defendant Merrill Lynch & Co., Inc. states that it is a publicly held company whose shares are traded on the New York Stock Exchange and there is no publicly held corporation that owns 10% or more of its stock.

Dated: New York, New York  
July 21, 2008

/s/ Jay B. Kasner  
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